

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,)
)
)
v.) CIVIL ACTION NO. 2:06cv1065-WKW
)
)
ONE THOUSAND ONE HUNDRED)
FORTY NINE DOLLARS (\$1,149))
DOLLARS IN UNITED STATES)
CURRENCY,)
)
DEFENDANT.)

UNITED STATES' STATUS REPORT
ON DEFENDANT CURRENCY

Comes now the United States of America by and through Leura G. Canary, United States Attorney for the Middle District of Alabama and Tommie Brown Hardwick, Assistant United States Attorney, both of the Middle District of Alabama, and submit a status report on defendant currency pursuant to this Court's Order (Doc. #8), as follows:

1. On November 29, 2006, the United States filed a verified complaint for forfeiture In Rem against One Thousand One Hundred Forty Nine Dollars (\$1,149) in United States Currency. (Doc. #1).
2. A Warrant and Summons for Arrest In Rem were issued by this Court on December 8, 2006. (Doc. #2).
3. Pursuant to the Warrant and Summons for Arrest In Rem, all persons with an interest in the Defendant currency were required to file their claims with the Clerk of the Court within

thirty (30) days of the execution of the Warrant and Summons for Arrest In Rem, publication of the Notice of Arrest, or actual notice of this action, whichever occurred first.

4. The United States Marshals Service for this District seized the Defendant currency on November 30, 2006.

5. Notice of said forfeiture action was published in the Montgomery Advertiser newspaper, on January 5, 12 and 19, 2007.

6. On April 13, 2007, Barryre Reese was served by certified mail (label receipt number 7000 1670 0013 2720 9793) with a copy of the Verified Complaint for Forfeiture In Rem, Notice of Complaint of Forfeiture In Rem, and Warrant and Summons for Arrest In Rem.

7. On April 14, 2007, and May 11, 2007, notice of certified mail was left at Tabitha Jackson's usual place of residence and abode.

8. On May 15, 2007, Eboni Whitney signed for the certified mail sent to Adlai Clarke at his usual place of residence and abode.

9. That reasonable and extensive efforts were undertaken to locate and serve Tabitha Jackson and Adlai Clarke in a manner consistent with the principles of service of process of an in rem action. Tabitha Jackson and Adlai Clarke have failed to plead or otherwise defend as required by law.

10. Barryre Reese, Tabitha Jackson and Adlai Clarke have failed to file a claim or answer within the time permitted by 18

U.S.C. § 983 and *Amiralty, Maritime Claims, Supp.* Rule G.

11. In addition to notice by publication under Rule G(4)(a), the United States provided notice pursuant to Rule G(4)(b)(iii)(E), which provides that "[n]otice to a person from whom the property was seized who is not incarcerated when notice is sent maybe sent to the last address that person gave to the agency that seized the property."

12. The Fed. R. Civ. P. Rule 55(a), provides that

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk **must** enter the party's default.

On June 27, 2007, former Assistant United States Attorney John Harmon filed an application to the Clerk for entry of Default against Barrye Reese, Adlai Clarke, Tabitha Jackson and all other persons and entities having an interest in the Defendant Currency, for failure to file a claim or answer. (Doc. #6).

13. The United States knows of no reason why a default against Barrye Reese, Tabitha Jackson, Adlai Clarke and all other persons and entities having an interest in the Defendant currency should not now be entered since the United States has provided notice by both publication and at the last address provided by the potential claimants.

CONCLUSION

Based upon the information provided in this status report restating the declaration of former Assistant United States Attorney John Harmon, the United States requests that the clerk enter a Default as required by the Fed. R. Civ. P. 55(a).

Respectfully submitted this 12th day of May 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Tommie Brown Hardwick
TOMMIE BROWN HARDWICK
Assistant United States Attorney
Bar Number: ASB4152 W86T
131 Clayton Street
Montgomery, Alabama 36104
Phone: (334) 223-7280
Fax: (334) 223-7135
E-mail: tommie.hardwick@usdoj.gov